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APR 04 2006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Attorney Docket No. 16132US02)

In the Application of:

Pieter van Rooyen

Serial No. 10/650,478

Filed: August 28, 2003

For: ITERATIVE MULTI-STAGE
DETECTION TECHNIQUE FOR A
DIVERSITY RECEIVER HAVING
MULTIPLE ANTENNA ELEMENTS

Examiner: Tran, Pablo N.

Group Art Unit: 2685

Confirmation No. 6127

) **CERTIFICATE OF FACSIMILE**

) I hereby certify that this correspondence is
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) Patent and Trademark Office on April 4,
) 2006.

) By _____

) 
) Ognyan Beremski, Esq.
) Registration No. 51,458

RESPONSE TO RESTRICTION UNDER 35 U.S.C. § 121

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This paper responds to the Restriction Requirement given in an Office Action mailed on March 2, 2006 (hereinafter, the Office Action) with a period of reply through May 2, 2006, pursuant to the attached Petition for One Month Extension of Time. The Applicant respectfully requests consideration of the following remarks.

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A. RESTRICTION REQUIREMENT - OBJECTION

The restriction requirement is respectfully traversed because "[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." MPEP § 803. One of the "two criteria for a proper requirement for restriction between patentably distinct inventions" is that "[t]here must be a serious burden on the examiner if restriction is not required" MPEP § 803 (emphasis added). While "[f]or purposes of the initial requirement a serious burden on the examiner may be prima facie shown if the examiner shows by appropriate explanation either separate classification, separate status in the art, or a different field of search . . . [t]hat prima facie showing may be rebutted by appropriate showings or evidence by the applicant." MPEP § 803 (emphasis added). The applicant rebuts the Examiner's prima facie showing in this case as follows.

The fields of search required to search the respective methods and apparatuses are essentially coextensive. In this regard, examining both method and apparatus claims in the present application does not present a serious burden for the Examiner. The restriction requirement should therefore be withdrawn.

B. RESTRICTION REQUIREMENT - ELECTION

In the Office Action, a restriction and/or election requirement was set forth listing five (5) species:

Species I: Claims 1-9 and 20-28
Species II: Claims 10-19

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Species III: Claim 29
Species IV: Claim 30
Species V: Claim 31

The Applicant respectfully elects Species I for prosecution. Accordingly, claims 1-9 and 20-28 have been elected. Therefore, Applicant respectfully withdraws, without prejudice, claims 10-19 and 29-31, which correspond to the non-elected species (i.e., Species II-V).

C. Attorney Docket Number

The Applicant respectfully requests that the Examiner change the Attorney Docket number to **16132US02** in the official USPTO records for the present patent application. The Applicant respectfully requests that attorney docket number change be made effective immediately.